

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DAVID HILLIARD AND
LAJUANA HILLIARD

CIVIL ACTION NO. _____

VERSUS

KAWASAKI MOTORS CORP., U.S.A.

PETITION FOR DAMAGES

The petition of DAVID HILLIARD AND LAJUANA HILLIARD, residents of the full age of majority of Concordia Parish, Louisiana, with respect represent that:

1.

MADE DEFENDANT HEREIN IS:

KAWASAKI MOTORS CORP., U.S.A., a foreign corporation authorized to do and doing business in the State of Louisiana, who can be served through its agent for service of process, CT Corporation System, 5615 Corporate Blvd., Suite 400B, Baton Rouge, LA 70808.

2.

This is a Petition for Damages based upon intentional tort and products liability and Louisiana Negligence Law resulting from an accident that occurred in which David Hilliard was severely injured while employed by Mike's Cycle in Jonesville, Louisiana, Catahoula Parish, on July 11, 2007.

3.

On the date set forth above, Hilliard was instructed by Mike's Cycle to work on a 2000 Kawasaki jet ski, instructed to change the spark plugs and battery.

4.

After putting in the spark plugs and battery, attempting to start the jet ski, the jet ski, exploded, severely injuring David Hilliard, his injuries consisting of severe hearing loss in both ears, and also has sustained spinal injuries and neurological deficits, resulting in pain and suffering, permanent injuries, loss of enjoyment of life, medical expenses, and loss of earning capacity, he earned in excess of \$38,000 per year plus benefits while employed by Mike's Cycle.

5.

The accident resulted from the negligence of Kawasaki Motors Corp., U.S.A., the legal manufacturer, said negligence consisting of manufacturing a defective jet ski with a defective CDI, all of which it knew or should have known would cause the type accident that occurred severely injuring David Hilliard.

6.

Mike's Cycle knew that the CDI was defective and that this type explosion would occur from ordinary maintenance, yet, it instructed plaintiff Hilliard, to work on the jet ski, knowing that it was substantially certain that

this type accident would occur and that these type injuries could result.

7.

A substantial factor and a cause of the accident, and the resulting damages, was the fault and negligence of the defendant, Kawasaki Motors Corp., U.S.A. as follows:

- a. Failure to warn of a defect that it knew or should have known;
- b. Failure to manufacture a safe CDI;
- c. Manufacturing a defective CDI;
- d. Supplying defective parts which parts resulted in explosion and injuries to David Hilliard.

8.

Plaintiff, DAVID HILLIARD, seeks damages for the following;

- a. Physical pain and suffering, past and future;
- b. Mental anguish, worry, anxiety and inconvenience, past and future;
- c. Medical expenses, past and future;
- d. Permanent anatomical impairments, scarring and disabilities;
- e. Economic losses and impairment of earning capacity; and
- f. Loss of enjoyment of life.

9.


Lajuana Hilliard sustained loss of consortium, service and society as a result of the accident and the resulting injuries to her husband, David Hilliard.

WHEREFORE, plaintiffs, **DAVID HILLIARD AND LAJUANA HILLIARD**, pray for a Judgment in their favor and against KAWASAKI MOTORS CORP., U.S.A., in solido, together with legal interest thereon from date of judicial


demand until paid, all costs of these proceedings and for general and equitable relief.

RESPECTFULLY SUBMITTED:

JOHN T. BENNETT LAW OFFICES
POST OFFICE BOX 275
MARKSVILLE, LOUISIANA 71351
(318) 253-4631



JOHN T. BENNETT - #2953
JOSEPH H. JOLISSAINT - #28939



CHARLES S. NORRIS, JR.
8 NORTH OAK STREET
POST OFFICE BOX 400
VIDALIA, LOUISIANA 71373
(318) 336-1999

PLEASE SERVE:

KAWASAKI MOTORS CORP., U.S.A.
Through its agent for service of process
CT Corporation System
5615 Corporate Blvd.
Suite 400B
Baton Rouge, LA 70808